

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

November 25, 1992

Mr. Michael Chirumbolo  
Mr. Christopher Chirumbolo  
Arizona Filter Recyclers  
1105 N. 17th Avenue, Suite 1  
Phoenix, Arizona 85007

Dear Sirs,

This responds to your letter dated September 17 regarding the May 20, 1992 Final Rule on used oil. Please be aware that EPA has also recently promulgated comprehensive used oil management standards that were published in the Federal Register on September 10, 1992. In addition to the specific responses to your questions provided below, I have enclosed copies of the May and September rules for your reference.

An important point to keep in mind is that if the filters do not exhibit any of the hazardous characteristics, then they are not hazardous waste regardless of the RCRA authorization status of the state. As indicated in the rule, EPA reviewed data showing that (at least for non-terne plated filters) used oil filters do not exhibit any characteristic. The answers to your specific questions follow.

Question #1: Since the EPA May 1992 Final Rule exists at the Federal level, does it apply to Arizona?

The May 20th rule took effect on June 19, 1992, including the new non-terne plated used oil filter exclusion. The federal RCRA standards are currently applicable and enforceable in all states. Once Arizona receives RCRA authorization for its own used oil regulations, then the federal regulations would no longer apply. Please be aware that if Arizona chooses to develop used oil management standards in the future and seek EPA authorization approval, the standards must be equivalent to, or more stringent than the EPA standards contained in the May and September rules. Of course, Arizona is free to adopt any used oil measures as a matter of independent state law.

Question #2: Is the TC rule applicable in every state regardless of whether the state has been authorized?

Yes, the TC rule is federally enforceable in every state until the TC rule is adopted by the state and EPA grants authorization approval. If a state chooses to enact regulations more stringent than the federal TC rule, it is able to do so as a matter of independent state law.

Question #3: What agency or department is in charge of regulating used oil filters.

In the State of Arizona, the Department of Environmental Quality will be handling regulation of used oil filters. The contact person for this issue is Robert Vervill, who can be reached at 602-207-2300.

I hope that these answers have been of help, and I appreciate your interest in proper used oil management.

Sincerely,

Sylvia K. Lowrance  
Director  
Office of Solid Waste

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